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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,610	03/09/2004	Romeo Galanti	2126.00001	1760

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EXAMINER

TOLAN, EDWARD THOMAS

ART UNIT PAPER NUMBER

3725

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/796,610

Applicant(s)

GALANTI, ROMEO

Examiner

Tolan Edward

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "fist-like" is not an apt description of the first section, it is disclosed as cylindrical.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graf (4,770,025) in view of Lincourt (3,241,352). Graf discloses a pull tool for straightening a vehicle frame rail (56) comprising a first section (14) having head means (18) for insertion into the rail with means (66,68) acting perpendicularly to the rail to secure the head to the rail. A second section (12) has means (50) for attaching a pull chain (70). Graf does not disclose that the second section has multiple chain attachments on a second section that is longer than the first section. Lincourt teaches multiple chain attachments (22,23,24,25) on a clamp second section (11) that is longer

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than a first section (12). It would have been obvious to one skilled in the art at the time of invention to provide Graf with multiple chain attachments as taught by Lincourt in order to initiate different pulling directions without changing the tool mounting, it is obvious that a length of the second section must be elongated in order to provide extra holes.

Regarding claims 7,10,12,13,14,16,17 and 18, the tool of Graf is basically a box-shaped tool, in column 4, lines 40-54, Graf discloses that only one tool section (bow,18) may be used when the frame member is of a different shape, at least the ends of the bows (18) are rounded.

Claims 19 and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Graf (4770,025) in view of Lincourt (3,241,352) and further in view of Wade (1,785,923). Graf discloses a pull tool for straightening a vehicle frame rail (56) comprising a first section (14) having head means (18) for insertion into the rail with means (66,68) acting perpendicularly to the rail to secure the head to the rail. A second section (12) has means (50) for attaching a pull chain (70). Graf does not disclose that the second section has multiple chain attachments on a second section that is longer than the first section. Lincourt teaches multiple chain attachments (22,23,24,25) on a clamp second section (11) that is longer than a first section (12). It would have been obvious to one skilled in the art at the time of invention to provide Graf with multiple chain attachments as taught by Lincourt in order to initiate different pulling directions without changing the tool mounting, it is obvious that a length of the second section must be elongated in order to provide extra holes. Graf in view of Lincourt does not disclose a heating step.

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Wade teaches that it is known to heat frame members (15) and then apply a pulling force. It would have been obvious to one skilled in the art at the time of invention to heat rail of Graf in view of Lincourt as taught by Wade in order to pull with less force than a cold pull.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication should be directed to Ed Tolan whose telephone number is 571-272-4525 FAX communications should be sent to 703-872-9306.

ED TOLAN
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read 'Ed Tolan', is written over the printed name and title.